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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,544	08/02/2001	Stephen C. Talley	SUN1P743/P5885	6825

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,544

Applicant(s)

TALLEY ET AL.

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is in response to the patent application (09/921,544) filed on Aug 2, 2001.

#### **Priority**

2. The patent application claims priority from domestic US Application 60/285,482, filled on Apr 20, 2001.

#### **Status of the claims**

3. The current pending claims 1 through 38 are examined herein as follows.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-15 and 22-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Method claims 8-15 and apparatus claims 22-38 recite "*subtracting all objects of the selected entity which are not already part of the first group from the first group.*" The claim language is not clear because subtracting or removing an entity from the first group which the selected entity is **not** part of the group itself is indefinite; entity should be within the group in order to subtract the entity from the group.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 rejected under 35 U.S.C. 102(b) as being anticipated by Moran et al (US Pat No 5,861,886).

The present invention relates to logical grouping and group manipulation in a graphical user interface environment. Likewise, Moran et al (Moran) relates to a method and apparatus for grouping objects on a computer-based system having a graphical user interface.

With regard to claims 1 and 16:

Moran discloses a method and apparatus for grouping graphic objects on a computer-based interface (Abstract).

Moran discloses selecting a first set from the plurality of objects. Selection is illustrated with respect to Figs. 5-6. As illustrated in Fig. 5, Moran discloses graphic objects represented by "a b c" 501 that are enclosed by enclosure 502. As illustrated in Fig. 6 these objects including the enclosure are selected (column 8, lines 29-50).

Moran also discloses defining the first set as a first *group* with a first associated boundary (column 8, lines 29-56, Figs. 5 and 6).

Moran also discloses modifying the first *group* in response to moving a selected entity across said first associated boundary (column 9, lines 12-20, Figs. 7 and 8).

Moran also discloses that the selected entity is an object, a second set, a second *group*, a plurality of groups, and combinations thereof within the plurality of objects (Figs. 7-8, column 9, lines 12-20, column 9, lines 66-column 10, lines 9, Figs. 15-17).

With regard to claims 2 and 17:

Moran also discloses moving the selected entity across the first associated boundary occurs when any part of the selected entity is moved across the first associated boundary in a direction from outside the first *group* to within the first *group* (Figs. 7-8, column 9, lines 12-20, column 9, lines 66-column 10, lines 9, Figs. 15-17).

With regard to claims 3 and 18:

Moran also discloses that moving the selected entity across the first associated boundary occurs when any part of the selected entity is moved across the first associated boundary in a direction from within the first *group* to outside of the first *group* (Figs. 7-8, column 9, lines 12-20, column 9, lines 66-column 10, lines 9, Figs. 15-17).

With regard to claim 4:

Moran further discloses that moving the selected entity across the first associated boundary is done with a drag and drop function (column 8, lines 51-56).

With regard to claims 5 and 19:

Moran further discloses adding all objects of the selected entity which are not already part of the first *group* to the first *group*; and expanding said first associated boundary to include all objects of the selected entity which were not already part of the

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first *group* (Figs. 7-8, column 9, lines 12-20, column 9, lines 66-column 10, lines 9, Figs. 15-17).

With regard to claims 6 and 20:

Moran also discloses splitting or ungrouping (un-defining) the second *group* and plurality of groups entirely contained within the selected entity by removal of their associated boundaries (column 9, lines 39-64, Figs. 11-12, and 13-14).

With regard to claims 7 and 21:

Moran further discloses that removing or subtracting a selected subset from any of the second *group* and the plurality of groups, included in the selected entity, from its corresponding *group*; and contracting each *group*'s associated boundary to include only those objects remaining in that *group* (column 9, lines 21-37, 41-64, Figs. 9-10, 11-12, and 13-14).

With regard to claims 8 and 22:

Moran further discloses that subtracting all objects of the selected entity which are not already part of the first *group* from the first *group*; and contracting said first associated boundary to include only those objects remaining in the first *group* (column 9, lines 21-37, 41-64, Figs. 9-10, 11-12, and 13-14).

With regard to claims 9 and 23:

Moran further discloses moving the first *group*, including the first associated boundary, as a whole when the selected entity contains all objects of the first *group* (Figs. 7-8, column 9, lines 12-20, column 9, lines 66-column 10, lines 9, Figs. 15-17).

With regard to claim 10:

Moran also discloses selecting the second set from the *list* of elements; and redefining the first *group* so that the subset of elements of the second set which are common to the first *group* are no longer included in the first *group* (*column 9, lines 21-37, 41-64, Figs. 9-10, 11-12, and 13-14*).

With regard to claims 11 and 24:

Moran also discloses that only contiguous elements can be selected. As illustrated in all the Figs. 9-12, Morgan discloses selecting one or more objects for removing from the group, wherein the selecting or removing objects is in contiguous manner (*column 9, lines 21-64*).

With regard to claim 12:

Moan discloses redefining the first *group* comprises: removing the first associated boundary (*column 9, lines 21-37, Figs. 9-10*).

Moran discloses bisecting the first *group* only when the second set was not adjacent to either the first upper limit or the first lower limit (*column 9, lines 57-64, Figs. 13-14*).

Moran also discloses defining each of the two sets of remaining contiguous elements resulting from bisection of the first *group*, above and below the second set, as new groups with associated boundaries (*column 9, lines 22-63, Figs. 9-10, 11-12, and 13-14*).

With regard to claim 13:

Moran disclose that redefining (removing/adding) the first *group* also includes truncating the first *group* by removal of a subset of elements of the second set which

are common to the first *group* and which are adjacent to either the first upper limit or the first lower limit (column 9, lines 22-32, Figs. 9-10).

Moran disclose that redefining (removing/adding) the first *group further* includes Moran discloses realigning whichever of the first upper limit or the first lower limit that the subset was adjacent to, so that the first associated boundary encompasses only those elements remaining in the first *group* (column 9, lines 22-63, Figs. 9-10, 11-12, and 13-14).

With regard to claim 14:

Moran discloses redefining the first *group* comprises un-defining (adding/removing) the first *group* when the second set contains all the elements of the first *group* (column 10, lines 22-37, Figs. 18-19, and 20-21).

With regard to claim 15:

Moran discloses redefining any of the plurality of groups, which also have elements common to the second set, in the same manner as the first *group* (column 10, lines 22-37, Figs. 18-19, and 20-21).

#### **Allowable subject matter**

6. Claims 25-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:



The prior art of records fails to disclose "moving the selected entity within the *list* of elements occurs with one-element shift increments, only when the entity is not crossing any *group's* associated boundary" as specified in claims 25-38.

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

### Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.
8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu  
July 24, 2004

